

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD WAYNE BEALL,

Petitioner,

VS.

JAMES A. BENIDETTE, *et al.*,

Respondents.

2: 10-cv-00189-PMP-RJJ

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which Petitioner, a state prisoner, is proceeding *pro se*. Pending before the court is Respondents' motion to dismiss. (Docket #6.)

Respondents filed their motion to dismiss on May 6, 2010. (Docket #6.) It is accompanied by proof of service on Petitioner. Despite being given an extension of time until August 5, 2010, to do so, Petitioner has not opposed or otherwise responded to the motion. Rule 7-2 of the Local Rules of Practice of the United States District Court for the District of Nevada provides in part, “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Accordingly, the Court finds that Petitioner’s failure to respond to Respondents’ motion constitutes consent to the granting of the motion.

IT IS THEREFORE ORDERED that Respondents' motion to dismiss is **GRANTED**.
(Docket #6.) The clerk of the court shall enter judgment accordingly.

DATED: September 13, 2010.

Philip M. Pro
PHILIP M. PRO
United States District Judge